

FORM PTO-1390 (Modified) U.S. PATENT AND TRADEMARK OFFICE; U.S. DEPARTMENT OF COMMERCE (REV. 7-2005)		ATTORNEY'S DOCKET NUMBER IRF0037US.NP
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/591841</b>
INTERNATIONAL APPLICATION NO. PCT/EP2005/002243	INTERNATIONAL FILING DATE 3 March 2005	PRIORITY DATE CLAIMED 3 March 2004
TITLE OF INVENTION <b>Dual Function, Bipolar Separator Plates for Fuel Cells</b>		
APPLICANT(S) FOR DO/EO/US <b>FREDERIKSEN, Henning, YDE-ANDERSEN, Steen, GRAHL-MADSEN, Laila, LUNDSGAARD, Joergen Schjerning</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (24) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))             <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> <li>11. <input checked="" type="checkbox"/> A copy of the International Preliminary Examination Report (PCT/IPEA/409).</li> <li>12. <input checked="" type="checkbox"/> A copy of the International Search Report (PCT/ISA/210).</li> </ol>		
Items 13 to 23 below concern document(s) or information included:		
<ol style="list-style-type: none"> <li>13. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>14. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>15. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li>16. <input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li>17. <input type="checkbox"/> A substitute specification.</li> <li>18. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>19. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>20. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>21. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</li> <li>22. <input checked="" type="checkbox"/> Express Mail Label No. <b>EV626225912US</b></li> </ol>		

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO (if known, see 37 CFR 1.5) <b>10/591841</b>		INTERNATIONAL APPLICATION NO. <b>PCT/EP2005/002243</b>		ATTORNEY'S DOCKET NUMBER <b>IRF0037US.NP</b>					
<p>23. Other items or information:</p> <p>1) Courtesy copy of the International Application;      2) An unexecuted oath or declaration of the inventor(s) (35 U.S.C.371 (c)(4));      3) Copy of Reply to Written Opinion with Substitute page 12 inclusive of amended claims;      4) Return post card.</p>									
<p>The following fees have been submitted:</p> <p>24. <input checked="" type="checkbox"/> Basic national fee ..... \$300</p> <p>25. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). \$0 All other situations. .... \$200</p> <p>26. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4). .... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the as an International Searching Authority. .... \$100 International Search Report prepared by an ISA other than the US and provided to the previously communicated to the US by the IB. .... \$400 All other situations. .... \$500</p> <p><b>TOTAL OF 24, 25 and 26 =</b></p> <p><input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p>				CALCULATIONS	PTO USE				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)		RATE					
15 - 100 =	0 /50 =	0		x \$250.00	\$ <b>\$0.00</b>				
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).									
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE						
Total claims	4 - 20 =	0	x \$50.00	\$ <b>\$0.00</b>					
Independent claims	1 - 3 =	0	x \$200.00	\$ <b>\$0.00</b>					
MULTIPLE DEPENDENT CLAIMS (if applicable)			<input type="checkbox"/>	+ \$360.00	\$ <b>\$0.00</b>				
<b>TOTAL OF ABOVE CALCULATIONS =</b>									
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.									
<b>SUBTOTAL =</b>									
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).									
<b>TOTAL NATIONAL FEE =</b>									
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property +									
<b>TOTAL FEES ENCLOSED =</b>									
<table border="1"> <tr> <td>Amount to be</td> <td>\$</td> </tr> <tr> <td>Amount to be</td> <td>\$</td> </tr> </table>						Amount to be	\$	Amount to be	\$
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10/591841

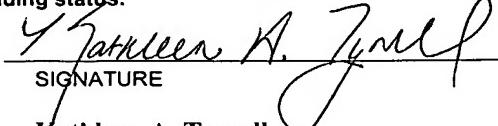
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- a.  A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-1619. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Licata & Tyrrell P.C.  
 66 East Main Street  
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SIGNATURE

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NAME

38,350

REGISTRATION NUMBER

September 5, 2006

DATE

10/591841

IAP12 Rec'd PCT/PTO 05 SEP 2006

IRF0037US.NP

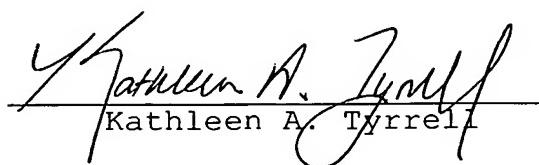
**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" Label No. **EV626225912US**

Date of Deposit: September 5, 2006

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

- 1) Transmittal Letter (in duplicate);
- 2) PCT International Application;
- 3) International Preliminary Report on Patentability;
- 4) International Search Report;
- 5) Copy of Reply to Written Opinion with Substitute page 12 inclusive of amended claims;
- 6) Unexecuted Declaration and Power of Attorney;
- 7) USPTO Credit Card Payment Form authorizing payment in the amount of \$450.00 for filing fees;
- 8) Return Postcard.



Kathleen A. Tyrrell



HARTEED PATENT ATTORNEYS  
EUROPEAN PATENT ATTORNEYS  
REGISTERED TRADE MARK ATTORNEYS  
EUROPEAN TRADE MARK ATTORNEYS

Your reference: PCT/EP2005/002243

Our reference: P200; 610; 710

Date: 3 January 2006

European Patent Office  
Munchen D-80298  
Germany

10/591841  
IAP12 Rec'd PCT/PTO 05 SEP 2006

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### BY FACSIMILE AND POST

Dear Sirs,

PCT Patent Application No. PCT/EP2005/002243

Applicant: IRD Fuel Cells A/S

Short title: Dual Function, Bipolar Separator Plates for Fuel Cells

In response to the Written Opinion dated 24 June 2005, we enclose herewith amended page 12 to replace page 12 currently on file. These amendments are made without prejudice to the content of the application as originally filed.

Turning to the Written Opinion, with regard to the objection to lack of novelty and inventive step of the claimed subject matter over D1 and D2, claim 1 has been amended to clarify that two interconnected manifolds are provided for each reactant supply and outflow. As such, each inlet and outlet for the reactants is duplicated. Basis for this amendment can be found at page 8, lines 12 to 23.

Turning to the cited prior art, it is submitted that neither D1 or D2 discloses an arrangement where the manifolds for supply and exhaust of each fluid are doubled in this way. As such the claims as amended are distinguished over the disclosures of D1 and D2.

We request reconsideration of the present invention in light of the above comments, and the issue of a favourable International Preliminary Examination Report.

Yours faithfully

PEEBLES; Katrina  
Authorised Representative